

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION

CHARLES L. TUNGETT and Wife,	)	
MEGAN E. CALDWELL,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 3:05-CV-289
	)	
ALFRED V. PAPIERSKI,	)	
	)	
Defendant.	)	

**ORDER**

For the reasons provided in the memorandum opinion filed contemporaneously with this order, defendant's motion to dismiss [doc. 4] is **DENIED**.

**IT IS SO ORDERED.**

ENTER:

s/ Leon Jordan  
United States District Judge